

2003—Subsec. (a)(2). Pub. L. 108-136 substituted “members” for “officers”, “Army Staff” for “Army General Staff”, and “the Enlisted Association of the National Guard of the United States, the National Guard Association of the United States,” for “the National Guard Association of the United States”.

1997—Subsec. (b). Pub. L. 105-85 substituted “and housing” for “and quarters”.

1994—Subsec. (c). Pub. L. 103-337 substituted “12402” for “3496 or 8496”.

1988—Subsec. (b). Pub. L. 100-456 struck out “the Canal Zone,” after “Puerto Rico.”

1982—Subsec. (c). Pub. L. 97-258 added subsec. (c).

1971—Pub. L. 92-119, §1(a)(1), substituted “Availability” for “Apportionment” in section catchline.

Subsec. (a). Pub. L. 92-119, §1(a)(2), (3), (4), redesignated subsec. (b) as (a) and substituted “appropriation for the National Guard” for “apportioned appropriation”. Former subsec. (a), which provided for apportionment of appropriations for Army National Guard and Air National Guard under prescribed formulas among States, territories, Puerto Rico, Canal Zone, District of Columbia, was struck out.

Subsecs. (b), (c). Pub. L. 92-119, §1(a)(4), redesignated subsec. (c) as (b). Former subsec. (b) redesignated (a) and amended.

1967—Subsec. (c). Pub. L. 90-83 substituted “402 and 403” for “251 and 252”.

EFFECTIVE DATE OF 2003 AMENDMENT

Pub. L. 108-136, div. A, title V, §514(b), Nov. 24, 2003, 117 Stat. 1460, provided that: “The amendments made by subsection (a) [amending this section] shall not apply with respect to funds appropriated for a fiscal year before fiscal year 2004.”

EFFECTIVE DATE OF 1997 AMENDMENT

Amendment by Pub. L. 105-85 effective Jan. 1, 1998, see section 603(e) of Pub. L. 105-85, set out as a note under section 5561 of Title 5, Government Organization and Employees.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-337 effective Dec. 1, 1994, except as otherwise provided, see section 1691 of Pub. L. 103-337, set out as an Effective Date note under section 10001 of Title 10, Armed Forces.

AVAILABILITY OF APPROPRIATED FUNDS FOR THE STATE PARTNERSHIP PROGRAM

Pub. L. 111-84, div. A, title XII, §1210, Oct. 28, 2009, 123 Stat. 2517, provided that:

“(a) REGULATIONS REQUIRED.—Not later than 90 days after the date of the enactment of this Act [Oct. 28, 2009], the Secretary of Defense, in consultation with [the] Secretary of State, shall prescribe regulations regarding the use of funds appropriated to the Department of Defense to pay the costs incurred by the National Guard in conducting activities under the State Partnership Program. The Secretary of Defense shall transmit to the appropriate congressional committees a copy of the regulations not later than 15 days after the date on which the regulations are prescribed under this subsection.

“(b) LIMITATIONS.—

“(1) APPROVAL BY COMMANDER OF COMBATANT COMMAND AND CHIEF OF MISSION.—Funds shall not be available under subsection (a) for activities conducted under the State Partnership Program in a foreign country unless such activities are jointly approved by the commander of the combatant command concerned and the chief of mission concerned.

“(2) PARTICIPATION BY MEMBERS.—Funds shall not be available under subsection (a) for the participation of a member of the National Guard in activities conducted under the State Partnership Program in a foreign country unless the member is on active duty in the Armed Forces at the time of such participation.

“(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, and not later than the end

of each of the fiscal years 2010 through 2013, the Secretary of Defense shall submit to the appropriate congressional committees a report describing the civilian engagement activities conducted under the State Partnership Program, including a detailed description of the activities undertaken and funds expended in the previous fiscal year under the State Partnership Program.

“(d) DEFINITION.—In this section, the term ‘appropriate congressional committees’ means—

“(1) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

“(2) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.”

§ 108. Forfeiture of Federal benefits

If, within a time fixed by the President, a State fails to comply with a requirement of this title, or a regulation prescribed under this title, the National Guard of that State is barred, in whole or in part, as the President may prescribe, from receiving money or any other aid, benefit, or privilege authorized by law.

(Aug. 10, 1956, ch. 1041, 70A Stat. 600; Pub. L. 103-337, div. A, title IX, §904(c), Oct. 5, 1994, 108 Stat. 2827.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
108	32:24.	June 3, 1916, ch. 134, §116, 39 Stat. 212.

The words “does not comply” are substituted for the words “shall * * * have failed or refused to comply”. The words “a requirement of, or regulation prescribed under, this title” are substituted for the words “any requirement of this title, or any regulation promulgated thereunder and in aid thereof by the President or the Secretary of the Army”. The words “money or any other aid” are substituted for the words “pecuniary or other aid”. The words “or provided by this title or any other” are omitted as surplusage.

AMENDMENTS

1994—Pub. L. 103-337 amended section generally. Prior to amendment, section read as follows: “If, within a time to be fixed by the President, a State does not comply with or enforce a requirement of, or regulation prescribed under, this title its National Guard is barred, wholly or partly as the President may prescribe, from receiving money or any other aid, benefit, or privilege authorized by law.”

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-337 effective at end of 90-day period beginning on Oct. 5, 1994, see section 904(d) of Pub. L. 103-337, set out as an Effective Date note under section 10501 of Title 10, Armed Forces.

§ 109. Maintenance of other troops

(a) In time of peace, a State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, or the Virgin Islands may maintain no troops other than those of its National Guard and defense forces authorized by subsection (c).

(b) Nothing in this title limits the right of a State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, or the Virgin Islands to use its National Guard or its defense forces authorized by subsection (c) within its borders in time of peace, or prevents it from organizing and maintaining police or constabulary.

(c) In addition to its National Guard, if any, a State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, or the Virgin Islands may, as provided by its laws, organize and maintain defense forces. A defense force established under this section may be used within the jurisdiction concerned, as its chief executive (or commanding general in the case of the District of Columbia) considers necessary, but it may not be called, ordered, or drafted into the armed forces.

(d) A member of a defense force established under subsection (c) is not, because of that membership, exempt from service in the armed forces, nor is he entitled to pay, allowances, subsistence, transportation, or medical care or treatment, from funds of the United States.

(e) A person may not become a member of a defense force established under subsection (c) if he is a member of a reserve component of the armed forces.

(Aug. 10, 1956, ch. 1041, 70A Stat. 600; Pub. L. 85–861, §2(2), Sept. 2, 1958, 72 Stat. 1542; Pub. L. 100–456, div. A, title XII, §1234(b)(1), Sept. 29, 1988, 102 Stat. 2059; Pub. L. 109–163, div. A, title X, §1057(b)(3), Jan. 6, 2006, 119 Stat. 3441.)

HISTORICAL AND REVISION NOTES 1956 ACT

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
109(a)	32:194(a) (1st sentence). 32:194(c) (as applicable to 32:194(a) (1st sentence)).	June 3, 1916, ch. 134, §61 (less (b)); restated Oct. 21, 1940, ch. 904 (less last 3 provisos); restated Aug. 18, 1941, ch. 363 (less last 3 provisos); restated Oct. 1, 1942, ch. 570 (less (b)); restated June 26, 1944, ch. 279 (less (b)); restated Sept. 27, 1950, ch. 1058 (less (b)), 64 Stat. 1072.
109(b)	32:194(a) (less 1st sentence). 32:194(c) (less applicability to 32:194(a) (1st sentence)).	

In subsection (a), the words “those of its National Guard” are substituted for the words “as authorized in accordance with the organization prescribed under this Act”.

In subsections (a) and (b), the provisions of 32:194(c) are exhausted by the enumeration of the jurisdictions named.

In subsection (b), the words “Nothing in this title limits” are substituted for the words “Nothing contained in this Act shall be construed to limit”.

1958 ACT

<i>Section of title 32</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
109(c)	32 App.:194(b) (less 4th and last sentences).	Aug. 11, 1955, ch. 802, 69 Stat. 686.
109(d)	32 App.:194(b) (4th sentence).	
109(e)	32 App.:194(b) (last sentence).	

In subsection (c), the words “heretofore authorized by this Act [sic]”, “as such”, and “in any manner” are omitted as surplusage.

In subsection (d), the words “under any Federal law” are omitted since only Federal law could require service in the armed forces. The word “military” is omitted as surplusage.

In subsection (e), the words “defense force” are substituted for the words “organized militia” for accuracy and to conform to subsection (c). The words “reserve component of the armed forces” are substituted for the words “Reserve Forces as defined in section 901 of Title 50”, since that term is not defined in the Armed Forces Reserve Act of 1952.

AMENDMENTS

2006—Subsecs. (a) to (c). Pub. L. 109–163, which directed substitution of “State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, or the Virgin Islands” for “State or Territory, Puerto Rico, the Virgin Islands or the District of Columbia”, was executed by making the substitution for “State or Territory, Puerto Rico, the Virgin Islands, or the District of Columbia”, to reflect the probable intent of Congress.

1988—Subsecs. (a) to (c). Pub. L. 100–456 struck out “the Canal Zone,” after “Virgin Islands.”.

1958—Subsecs. (a), (b). Pub. L. 85–861, §2(2)(A), substituted “defense forces authorized by subsection (c)” for “State defense forces”.

Subsecs. (c) to (e). Pub. L. 85–861, §2(2)(B), added subsecs. (c) to (e).

§ 110. Regulations

The President shall prescribe regulations, and issue orders, necessary to organize, discipline, and govern the National Guard.

(Aug. 10, 1956, ch. 1041, 70A Stat. 600.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
110	32:17.	June 3, 1916, ch. 134, §118, 39 Stat. 213.

The word “rules” is omitted as covered by the word “regulations”. The words “National Guard” are substituted for the words “the militia provided for in this title”. The words “for the thorough” are omitted as surplusage.

§ 111. Suspension of certain provisions of this title

In time of war, or of emergency declared by Congress, the President may suspend the operation of any provision of sections 307(e), 309, 310, and 323(d) and (e)¹ of this title with respect to the Army National Guard or the Air National Guard.

(Added Pub. L. 85–861, §2(3), Sept. 2, 1958, 72 Stat. 1543.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
111	50:1199 (as applicable to National Guard).	Sept. 3, 1954, ch. 1257, §209 (as applicable to National Guard), 68 Stat. 1152.

Reference to the exception in section 307(a) is omitted as unnecessary because a suspension of section 307(e) of this title, or of section 8365 or 8366 of Title 10, will in effect suspend that exception so far as it refers to the suspended section. A reference to the remainder of section 307(a) is omitted as unnecessary because the general rule that it states exists independently of that part of the source law for section 307(a) that is suspendible under this section. A reference to section 307(f) is omitted as unnecessary because a suspension of section 307(e) will in effect suspend section 307(f) so far as it applies to section 307(e). 50:1199 (2d sentence) is omitted as inapplicable to the National Guard.

REFERENCES IN TEXT

Section 323(e) of this title, referred to in text, was repealed by Pub. L. 103–337, div. A, title XVI, §1630(2), Oct. 5, 1994, 108 Stat. 2964.

¹ See References in Text note below.